

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

GREGORY PERATA AND  
JIMMY AUSTIN,  
*Plaintiffs,*

V.

YUNIER CINTRA CORRALES,  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:20-cv-00621

**Jury Trial Demanded**

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, Yunier Cintra Corrales, and files his Notice of Removal and would respectfully show unto the Court as follows:

**PROCEDURAL HISTORY**

1. Plaintiffs filed suit in Cause No. 317,879-B in the 146<sup>th</sup> Judicial District Court of Bell County, Texas, on June 10, 2020.

2. Defendant Yunier Cintra Corrales was personally served with Plaintiffs' Original Petition on June 25, 2020. Defendant filed a timely answer on July 3, 2020.

3. Defendant has therefore filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

**NATURE OF THE SUIT**

4. Plaintiffs allege that on or about February 4, 2019, they sustained damages as a result of a motor vehicle accident that occurred in Bell County, Texas.

5. According to Plaintiffs' Original Petition, Plaintiffs Gregory Perata and Jimmy Austin are citizens of the State of Texas and reside in Bell County, Texas. *See* Plaintiffs' Original Petition, Section II.

6. At all relevant times, Defendant Yunier Cintra Corrales was a citizen of the State of Florida. *See* Plaintiffs' Original Petition, Section II.

### **BASIS FOR REMOVAL**

7. Removal is proper because there is complete diversity of citizenship between Plaintiffs and Defendant.

8. Plaintiffs are individuals residing in Bell County, Texas. *See* Plaintiffs' Original Petition, Section II.

9. Defendant Yunier Cintra Corrales is an individual who, at the time the lawsuit was filed and at the time of the filing of Defendants' Notice of Removal, was domiciled in Miami, Dade County, Florida. At all relevant times, Defendant established his citizenship and residence in the State of Florida, where he currently lives. *See* Plaintiff's Original Petition, Section II.

10. As conveyed in Plaintiffs' Original Petition, the amount in controversy exceeds \$1,000,000, exclusive of interests, costs, and attorneys' fees. *See* Plaintiffs' Original Petition, Section III.

### **VENUE AND JURISDICTION**

11. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

12. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

**DEFENDANT'S NOTICE OF REMOVAL  
IS PROCEDURALLY CORRECT**

13. Defendant has attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (See **Exhibit A**, Index of Matters Being Filed.)

**JURY DEMAND**

14. Plaintiffs made a demand for a jury trial in State District Court. Defendant also made a demand for a jury trial in State District Court.

**NOTICE TO STATE COURT**

15. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

**CASTAGNA SCOTT, L.L.P.**  
1120 S. Capital of Texas Highway  
Building 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
888/255-0132 fax

By: /s/ Gerry Lowry  
Lynn S. Castagna  
State Bar No. 03980520  
Lynn@TexasDefense.com  
Gerry Lowry  
State Bar No. 12641350  
Gerry@TexasDefense.com

**ATTORNEYS FOR DEFENDANT  
YUNIER CINTRA CORRALES**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/EMF system which will send notification of such filing and has been sent via facsimile to the following:

**Via Facsimile to 254/526-8204**

Jody Leake  
THE CARLSON LAW FIRM, PC  
100 E Central Texas Expressway  
Killeen, Texas 76541

in accordance with the Federal Rules of Civil Procedure, on July 9, 2020.

/s/ Gerry Lowry  
Gerry Lowry